

JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Hiroshi KURODA et al.

Art Unit: 2814

Appln. No.: 10/737,119

Examiner: D. Nguyen

Filed: December 17, 2003

Confirmation No.: 5995

For: SEMICONDUCTOR DEVICE

\* \* \*

**REQUEST TO VACATE OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Office Action dated August 23, 2006, be vacated, as it fails to address the claims actually presented for examination.

The subject application was filed with a Preliminary Amendment cancelling Claims 1-9 of the parent application in favor of new Claims 10-14. Accordingly, the Office Action should have been addressed to Claims 10-14, and not Claims 1-9.

Applicants therefore respectfully request that the outstanding Office Action be vacated and that an action on the merits be given with respect to Claims 10-14. Further, as regards the Egawa and Kanemoto references which were cited in the rejection of Claims 1-9 under 35 U.S.C. §

103(a), Applicants respectfully submit that the references fail to teach or suggest a semiconductor device as set forth in independent Claim 10, the Examiner's attention being drawn particularly, though not exclusively, to the final three paragraphs of the claim. The double patenting rejection is erroneous, of course, in view of the cancellation of Claims 1-9.

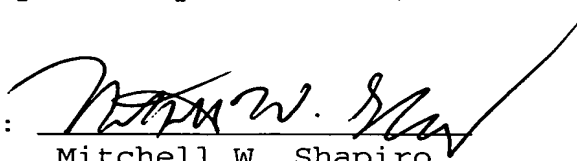
Although no response to the outstanding Office Action should be required in view of the Office's failure to act on the correct claims, if a response should be deemed necessary, then Office may treat this paper as the required response.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3844-8858US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing

of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By:



Mitchell W. Shapiro

Reg. No. 31,568

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000

January 22, 2007